## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA ROANOKE DIVISION

CLERK'S OFFICE U.S. DIST. COURT AT ROANOKE, VA FILED

OCT 2 8 2005

JOHN F. CORGORAN, CLERK BY: DEPUTY CLERK

| INCOMP LOONEY                | DEPUTY CLER  |
|------------------------------|--|
| ANSON D. LOONEY, Petitioner, | Civil Action No. 7:05-cv-00290                             |
| v.                           | FINAL ORDER  |
| LARRY JARVIS, Respondent.    | By: Hon. James C. Turk Senior United States District Judge |

In accordance with the written memorandum opinion entered this day, it is hereby

## ADJUDGED AND ORDERED

that petitioner's motions to amend his response are hereby **GRANTED**; petitioner's motion to dismiss is hereby **DENIED**; the respondent's motion to dismiss is hereby **GRANTED**; this petition for writ of habeas corpus, pursuant to 28 U.S.C. §2254, shall be and hereby is **DISMISSED** as untimely, pursuant 28 U.S.C. § 2244(d)(1); and this action is stricken from the active docket of this court.

The Clerk is directed to send certified copies of this order and the accompanying memorandum opinion to the petitioner and to counsel of record for the respondent.

ENTER: This 28th day of October, 2005.

Senior United States District Judge